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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/295,302	04/21/1999	KARLHEINZ SCHMIDT	000007.00148	7021

27557 7590 10/04/2006

BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER

GUPTA, ANISH

ART UNIT	PAPER NUMBER
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1654

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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09/295302

EXAMINER

ART UNIT	PAPER
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20060925

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Commissioner for Patents

Statement regarding Information Disclosure Statement.

Information Disclosure Statement

The request to consider the information disclosure statement filed Oct. 13, 2004 and Nov. 22, 2004 has been acknowledged. The IDS filed Oct. 13, 2004 and Nov. 22, 2004 have been considered have signed copies are attached hereto. However, the IDS filed Feb. 28, 2005 and July 06, 2006 have not been considered. The references cited on the July and Feb IDS are not cited on the IDS on the October and November IDS. The IDS filed on Feb. 28, 2005 was filed after the issuance of the final action and payment of the issue fee. 37 CFR 1.98 states:


- (d) An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:
 - (1) The statement specified in paragraph (e) of this section; and
 - (2) The fee set forth in § 1.17(p).
- (e) A statement under this section must state either:
 - (1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - (2) That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Applicants request for consideration of the IDS did not contain a statement under 37 CFR 1.98(e) nor authorized a fee payment set forth in § 1.17(p). The IDS filed July 06, 2006 was filed after the payment of the Issue fee which was filed Feb. 28, 2006. Thus, the IDS filed Feb. 28, 2005 and July 6, 2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information

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contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anish Gupta whose telephone number is (571)272-0965. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang, can normally be reached on (571) 272-0562. The fax phone number of this group is (571)-273-8300.


ANISH GUPTA
PRIMARY EXAMINER